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P#3

**PLANT PATENT
APPLICATION (35 U.S.C. 161)
DECLARATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	
First Named Inventor	Way
COMPLETE IF KNOWN	
Application Number	/
Filing Date	
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct variety of:

Sweet Cherry Tree

plant named: 'Newfane' Cherry

which is claimed and for which a plant patent is sought, the specification of which

is attached hereto OR was filed on (MM/DD/YYYY) **06/27/2001** as United States

Application Number **09/894,352** and was amended on (MM/DD/YYYY) **12/30/2002** (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DECLARATION – Plant Patent Application

Direct all correspondence to: Customer Number
or Bar Code Label OR Correspondence address below

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ZIP 49064

Country USA

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

A petition has been filed for this unsigned inventor

Given Name Roger D.

Family Name or Surname Way

Inventor's Signature

Roger D. Way

Jan. 7, 2003
Date

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Citizenship US

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City Geneva

State NY

Zip 14456

Country USA

NAME OF SECOND INVENTOR:

A petition has been filed for this unsigned inventor

Given Name

Robert

Family Name or Surname

Andersen

Inventor's Signature

Date

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Citizenship US

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City Geneva

State NY

Zip 14456

Country USA

Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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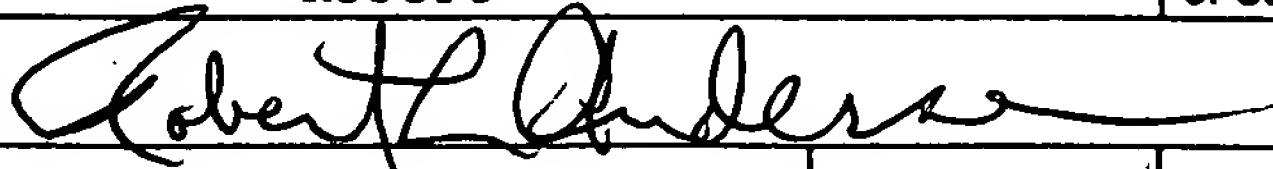
DECLARATION – Plant Patent ApplicationDirect all correspondence to: Customer Number
or Bar Code Label OR Correspondence address belowName **Wanda Heuser Gale**Address **International Plant Management, Inc.**Address **55826 60th Avenue**City **Lawrence**State **MI**ZIP **49064**Country **USA**Telephone **800-424-2765**Fax **616-674-3758**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

 A petition has been filed for this unsigned inventorGiven Name **Roger D.**Family Name or Surname **Way**Inventor's Signature Date **1/3/03**Residence: City **Stanley**State **NY**Country **USA**Citizenship **US**Mailing Address **2195 Mott Road, Stanley, NY**Mailing Address **NYSAES, Department of Horticulture, Cornell University**City **Geneva**State **NY**Zip **14456**Country **USA**

NAME OF SECOND INVENTOR:

 A petition has been filed for this unsigned inventorGiven Name **Robert**Family Name or Surname **Anderson**Inventor's Signature Date **1/3/03**Residence: City **Geneva**State **NY**Country **USA**Citizenship **US**Mailing Address **112 White Springs Lane, Geneva, NY 14456**Mailing Address **NYSAES, Department of Horticulture, Cornell University**City **Geneva**State **NY**Zip **14456**Country **USA** Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Please type a plus sign (+) inside this box →

PTO/SB/02A (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
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DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Susan K.		Brown	
Inventor's Signature	<u>Susan K. Brown</u>		
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Mailing Address Department of Horticulture, NYSAES, Cornell University			
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature			
Date			
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
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Inventor's Signature			
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Mailing Address			
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